

EXHIBIT QQ

From: Alinder, Zachary J.
Sent: Tuesday, May 26, 2009 11:26 AM
To: 'Jason McDonell'; Howard, Geoff; Hann, Bree; House, Holly
Cc: Scott Cowan; Wallace, Elaine; Greg Lanier; Joshua Fuchs; Jane Froyd
Subject: RE: Expanded Time Line discovery

Jason,

We have processed, reviewed and produced responsive and non-privileged documents for the expanded timeline for the 10 key custodians identified by Defendants and mutually agreed upon by both parties, as confirmed in Ms. Wallace's email of March 12, 2009. Those agreed key custodians are: Rick Cummins, Buffy Ransom, Elizabeth Shippy, Dave Duffield, Craig Conway, Andy Albritten, Phil Wilmington, Tawanna Sanders, John Wookey and Harald Freudendahl.

Your list of proposed expanded timeline custodians below differs greatly from the list of 10 key custodians, which both parties previously agreed upon. First, your May 20th list includes only three of the agreed upon key custodians: Rick Cummins, Buffy Ransom and Elizabeth Shippy. Second, most of the custodians named in your May 20th list are not even on Defendants' originally proposed list of 28 key custodians from March 2, 2009, including Chris Madsen, Juan Jones, Juergen Rottler, Charles Phillips, Safra Catz, and Lawrence Ellison.

In short, Oracle has already met its obligations for the 10 agreed upon key custodians, and has not agreed to pre-2004 data for any further custodians. As for the additional 8 custodians in your May 20th list, Oracle has produced the responsive, non-privileged documents in the 1/1/2004 to 3/22/2007 time range for custodians Robert Lachs, Michael Van Boening, Chris Madsen, Juan Jones, Juergen Rottler, Charles Phillips, Safra Catz and Lawrence Ellison. Therefore, Oracle has no further discovery obligations as to the 11 custodians you list in your email below.

If your email below is a request for Oracle to review post-litigation documents for these custodians and for C1/OKS, please confirm that, and we will meet and confer with Defendants about that request after investigating the burden associated with that request.

Best regards,
Zac Alinder

From: Jason McDonell [mailto:jmcdonell@JonesDay.com]
Sent: Wednesday, May 20, 2009 6:21 PM
To: Alinder, Zachary J.; Howard, Geoff; Hann, Bree; House, Holly
Cc: Scott Cowan; Wallace, Elaine; Greg Lanier; Joshua Fuchs; Jane Froyd
Subject: Expanded Time Line discovery

Counsel,

Please confirm that you have produced, or will produce, responsive documents consistent with the Expanded Discovery Timeline Agreement.

Among other things (without limitation), please confirm that you have produced for the expanded timeline from the following custodians:

Robert Lachs
Michael Van Boening
Rick Cummins
Chris Madsen
Juan Jones
Juergen Rottler
Charles Phillips
Safra Catz
Lawrence Ellison
Beth Shippy
Buffy Ransom

Additionally, please confirm that you have produced, or will produce, responsive documents consistent with the Expanded Discovery Timeline Agreement from centralized sources such as OKS or C1 databases.

We note that Oracle witnesses have described documents generated after March 22, 2007 that are responsive to Defendants' RFPs that do not appear to have been produced. For example, Rick Cummins described a win-back spreadsheet that tracks Oracle efforts to sell support services to former TomorrowNow customers. *See, e.g.,* Deposition of Richard Cummins, September 16, 2008, pp. 36-37. He indicated that he has a copy of the report on his computer and that Michael Van Boening has "custody of it." Similarly, At Risk Reports, similar to the one introduced as Defendants' Exhibit 55, were created until February 2008 and stored on the OKS database. *See, e.g.,* Deposition of Beth Shippy, September 25, 2008, pp. 80-81. Please confirm that you have or will produce these documents as well.

Jason McDonell, Esq.
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